

Appl. No. 09/744,697  
Amdt. dated May 28, 2004  
Reply to Office Action of April 1, 2004

### **REMARKS**

Applicants respectfully request entry of this Amendment and reconsideration of this application, as amended.

Claims 1, 3 to 23, and 25 are currently pending in this application. Claims 2 and 24 have been cancelled. Claims 1 and 25 have been amended.

The Examiner is thanked for the allowance of claim 21 and the indication of allowable subject matter in claims 2 to 9.

Applicants note that the rejection of claims 7-23 under 35 USC 112, paragraph 5 has been withdrawn. In addition, Applicants note that the rejection of claims 23 and 24 under 35 U.S.C. 101 has also been withdrawn.

### **Rejection Under 35 USC 112**

Claims 1-20, 22 and 23 have been rejected under 35 USC 112, paragraph 2, as being indefinite for failing to point out and distinctly claim the subject matter which Applicants regard as the invention. Reconsideration is respectfully requested.

Claim 1 has been amended to delete the term "desired" and insert the term "crystalline" according to the Examiner's suggestions on page 6 of the last Office Action. Claim 2 has been cancelled.

### **Rejections Under 35 USC 102/103**

Claim 25 has been rejected under 35 USC 102(b) as being anticipated by or, in the

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alternative, under 35 USC 103(a) as obvious over either European Patent EP0753484 (the '484 patent) or European Patent EP0753485 (the '485 patent). Reconsideration is respectfully requested.

Claim 25 has now been amended to recite the subject matter of claim 2, namely wherein the phosphorus-containing molecular sieve is selected from the group consisting of aluminophosphates and silicoaluminophosphates, which the Examiner indicated as allowable on page 6 of the last Office Action.

Claims 1 and 17 have been rejected under 35 USC 102(b) as being anticipated by or, in the alternative, under 35 USC 103(a) as obvious over European Patent EP0753485 (the '485 patent). Reconsideration is respectfully requested.

Independent claim 1 has now been amended to recite the subject matter of claim 2, namely wherein the phosphorus-containing molecular sieve is selected from the group consisting of aluminophosphates and silicoaluminophosphates, which the Examiner indicated as allowable on page 6 of the last Office Action. Claim 17 depends from independent claim 1.

Claims 19, 20 and 23 have been rejected under 35 USC 102(b) as being anticipated by or, in the alternative, under 35 USC 103(a) as obvious over European Patent EP0753485 (the '485 patent). Reconsideration is respectfully requested.

Independent claim 1 has now been amended to recite the subject matter of claim 2, namely wherein the phosphorus-containing molecular sieve is selected from the group consisting of aluminophosphates and silicoaluminophosphates, which the Examiner indicated as allowable on page 6 of the last Office Action. Claims 19, 20 and 23 depend from claim 1.

Claims 19, 20 and 23 have been rejected under 35 USC 102(b) as being anticipated by or,

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in the alternative, under 35 USC 103(a) as obvious over U.S. Patent No. 4,440,871 to Lok et al. (Lok). Reconsideration is respectfully requested.

Independent claim 1 has now been amended to recite the subject matter of claim 2, namely wherein the phosphorus-containing molecular sieve is selected from the group consisting of aluminophosphates and silicoaluminophosphates, which the Examiner indicated as allowable on page 6 of the last Office Action. Claims 19, 20 and 23 depend from independent claim 1.

### **Rejections Under 35 USC 103**

Claims 10-16 have been rejected under 35 USC 103(a) as being unpatentable over European Patent EP0753485 (the '485 patent). Reconsideration is respectfully requested.

Independent claim 1 has now been amended to recite the subject matter of claim 2, namely wherein the phosphorus-containing molecular sieve is selected from the group consisting of aluminophosphates and silicoaluminophosphates, which the Examiner indicated as allowable on page 6 of the last Office Action. Claims 10-16 depend from independent claim 1.

Claim 22 has been rejected under 35 USC 103(a) as being unpatentable over European Patent EP0753485 (the '485 patent). Reconsideration is respectfully requested.

Independent claim 1 has now been amended to recite the subject matter of claim 2, namely wherein the phosphorus-containing molecular sieve is selected from the group consisting of aluminophosphates and silicoaluminophosphates, which the Examiner indicated as allowable on page 6 of the last Office Action. Claim 22 depends from independent claim 1.

Claim 22 has been rejected under 35 USC 103(a) as being unpatentable over U.S. Patent No. 4,440,871 to Lok et al. (Lok). Reconsideration is respectfully requested.

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Independent claim 1 has now been amended to recite the subject matter of claim 2, namely wherein the phosphorus-containing molecular sieve is selected from the group consisting of aluminophosphates and silicoaluminophosphates, which the Examiner indicated as allowable on page 6 of the last Office Action. Claim 22 depends from independent claim 1.

Given the above amendments to claims 1 and 25, it is respectfully submitted that the cited references fail to disclose or suggest the invention of claims 1, 3-20, 22, 23 and 25. Accordingly, withdrawal of the rejections under 35 USC 112, 102 (b) and 103 (a) is respectfully requested. Applicants therefore respectfully request that a timely Notice of Allowance be issued in this case.

Any comments or questions concerning the application can be directed to the undersigned at the telephone number given below.

Respectfully submitted,

May 28, 2004  
Date

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